

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CIT Bank, N.A.,

Plaintiff,

Civil Action No.
3:18-CV-0154 (MAD/DEP)

v.

DOROTHY FOX, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

WINDELS MARX LANE &
MITTENDORF, LLP
156 West 56th Street
New York, NY 10019

SEAN K. MONAHAN, ESQ.

FOR DEFENDANTS:

NONE

DAVID E. PEEBLES
CHIEF U.S. MAGISTRATE JUDGE

ORDER

This is diversity jurisdiction action relating to a mortgage foreclosure commenced by plaintiff CIT Bank, N.A. against defendant Dorothy Fox, the owner of the real property at issue, as well as defendants LVNV

Funding LLC and Harvest Credit Management VII LLC, both of whom are alleged to have a lien against the property for judgment against defendant Fox. *See generally* Dkt. No. 1.

On July 5, 2018, plaintiff filed a motion to extend the time to serve defendant Fox with process and an order directing service upon defendant Fox by publication. Dkt. No. 19. Having determined that plaintiff established good cause for its requests, I granted the motion, in part, in a text order dated July 13, 2018. Dkt. No. 20. My text order directed plaintiff to propose to the court publications that, it anticipates, have the most likelihood of reaching defendant Fox based on its previous and extensive attempts to effectuate service on her. *Id.* Plaintiff has since responded in a letter dated July 18, 2018. Dkt. No. 21.

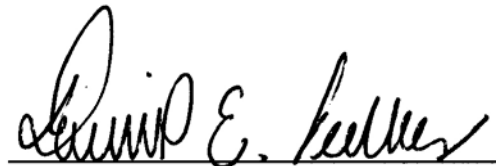
Based on plaintiff's submission, and in accordance with Rule 4 of the Federal Rules of Civil Procedure and section 316 of New York Civil Practice Law and Rules, it is hereby

ORDERED that plaintiff shall publish the summons in this action, together with notice to defendant Fox advising of the pendency of this action, a brief statement of the nature of the action, the relief sought, the sum of money for which judgment may be taken in case of default, and a brief description of the subject property in *The Daily Star*, published in

Oneonta, New York, and *The Reporter*, published in Delhi, New York, weekly for a period of four successive weeks. The publication of the summons and notice shall occur once in each of the four successive weeks. The first publication shall be made within thirty days of the date of this order; and it is further

ORDERED that the clerk of the court serve this order on the parties in accordance with the local rules of practice for this court.

Dated: July 20, 2018
Syracuse, New York

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge